General Assembly

Distr.: General
15 January 2010

Sixty-fourth session
Agenda item 79

Resolution adopted by the General Assembly

[*on the report of the Sixth Committee (A/64/447)*]

64/112. Practice Guide on Cross-Border Insolvency Cooperation of the United Nations Commission on International Trade Law

The General Assembly,

Noting that increased trade and investment leads to a greater incidence of cases where business is conducted on a global basis and where enterprises and individuals have assets and interests in more than one State,

Noting also that, where the subjects of insolvency proceedings are debtors with assets in more than one State or are members of an enterprise group with business operations and assets in more than one State, there is generally an urgent need for cross-border cooperation in, and coordination of, the supervision and administration of the assets and affairs of those debtors,

Recognizing that cooperation and coordination in cross-border insolvency cases has the potential to significantly improve the chances for rescuing financially troubled individuals and enterprise groups,

Acknowledging that familiarity with cross-border cooperation and coordination and the means by which it might be implemented in practice is not widespread and that the availability of readily accessible information on current practice with respect to cross-border coordination and cooperation has the potential to facilitate and promote that cooperation and coordination and to avoid unnecessary delay and costs,

Noting with satisfaction the completion and the adoption on 1 July 2009 of the Practice Guide on Cross-Border Insolvency Cooperation by the United Nations Commission on International Trade Law at its forty-second session,[1]

Noting that the preparation of the Practice Guide was the subject of deliberations and consultation with Governments, judges and other professionals active in the field of cross-border insolvency,

[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 17 (A/64/17)*, chap. III.

Please recycle

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for the completion and adoption of its Practice Guide on Cross-Border Insolvency Cooperation;[1]

2. *Requests* the Secretary-General to publish, including electronically, the text of the Practice Guide and to transmit it to Governments with the request that the text be made available to relevant authorities so that it becomes widely known and available;

3. *Recommends* that the Practice Guide be given due consideration, as appropriate, by judges, insolvency practitioners and other stakeholders involved in cross-border insolvency proceedings;

4. *Recommends also* that all States continue to consider implementation of the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law.[2]

64th plenary meeting
16 December 2009

[1] Resolution 52/158, annex.

General Assembly

Distr.: General
15 January 2010

Sixty-fourth session
Agenda item 80

Resolution adopted by the General Assembly

[on the report of the Sixth Committee (A/64/448)]

64/113. United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which it established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and of promoting friendly relations and cooperation among States,

Recognizing that the Programme of Assistance is a core activity of the United Nations and that the Programme has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for more than four decades,

Recognizing also that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the Programme of Assistance, which are contained in that report,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by

[1] A/64/495.

Please recycle

Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. *Approves* the guidelines and recommendations contained in section III of the report of the Secretary-General,[1] in particular those designed to achieve the best possible results in the administration of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law within a policy of maximum financial restraint;

2. *Authorizes* the Secretary-General to carry out in 2010 and 2011 the activities specified in his report, including the provision of:

(*a*) A number of fellowships to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries to attend the International Law Fellowship Programme in The Hague in 2010 and 2011;

(*b*) A number of fellowships to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries to attend regional courses in international law in 2010 and 2011;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions for these fellowships, which would be received as a result of the requests set out in paragraphs 19 to 21 below;

3. *Also authorizes* the Secretary-General to award a minimum of one scholarship in both 2010 and 2011 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically for this fellowship;

4. *Expresses its appreciation* to the Secretary-General for his efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme of Assistance in 2008 and 2009;

5. *Requests* the Secretary-General to consider admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

6. *Also requests* the Secretary-General to continue to provide the necessary resources to the programme budget for the Programme of Assistance for the next and the future bienniums with a view to ensuring the continued effectiveness of the Programme of Assistance;

7. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs of the Secretariat, and strongly encourages their continued publication;

8. *Welcomes* the efforts undertaken by the Office of Legal Affairs to bring up to date the United Nations legal publications, and, in particular, commends the Codification Division for its desktop publishing initiative, which has greatly enhanced the timely issuance of its legal publications;

9. *Welcomes* the creation by the Codification Division of the new websites for the *United Nations Juridical Yearbook*,[2] the United Nations diplomatic conferences,[3] and the United Nations legal publications portal, as well as the expansion of the website on the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice*;[4]

10. *Encourages* the Office of Legal Affairs to continue to maintain and expand its websites listed in annex I to the report of the Secretary-General[1] as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

11. *Recognizes* the importance of the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world, and urges States to make voluntary contributions to enable the Codification Division to continue and further develop the Library;

12. *Commends* the Codification Division on the 2009 Best Website Award granted to the United Nations Audiovisual Library of International Law by the International Association of Law Libraries at its annual meeting, held in Turkey in October 2009;

13. *Requests* the Secretary-General to provide relevant information to the Advisory Committee on the Programme of Assistance, to facilitate its consideration of the matter referred to in paragraph 89 of his report;[1]

14. *Encourages* the use of the internship programme for the preparation of materials for the United Nations Audiovisual Library of International Law;

15. *Welcomes* the training and technical assistance activities in international law undertaken by the Office of Legal Affairs in the framework of the Programme of Assistance, as described in the report of the Secretary-General, and encourages the continuation of such activities within available resources;

16. *Expresses its appreciation* to the United Nations Institute for Training and Research for its participation in the Programme of Assistance through the activities described in the report of the Secretary-General;

17. *Also expresses its appreciation* to The Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with the Academy courses;

18. *Notes with appreciation* the contributions of The Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

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[2] www.un.org/law/UNJuridicalYearbook/index.htm.

[3] http://untreaty.un.org/cod/diplomaticconferences/index.html.

[4] www.un.org/law/UNlegalpublications/index.html.

19. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme of Assistance or otherwise to assist in its implementation and possible expansion;

20. *Reiterates its request* to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Fellowship Programme and the United Nations Audiovisual Library of International Law, and expresses its appreciation to those Member States, institutions and individuals that have made voluntary contributions for this purpose;

21. *Urges* in particular all Governments to make voluntary contributions for regional courses in international law, as an important complement to the International Law Fellowship Programme, organized by the Codification Division of the Office of Legal Affairs, thus alleviating the burden on prospective host countries and making it possible to resume the organization of regional courses;

22. *Requests* the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the Programme of Assistance during 2010 and, following consultations with the Advisory Committee on the Programme of Assistance, to submit recommendations regarding the execution of the Programme of Assistance in subsequent years;

23. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

64th plenary meeting
16 December 2009

General Assembly

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15 January 2010

Sixty-fourth session
Agenda item 81

Resolution adopted by the General Assembly

[*on the report of the Sixth Committee (A/64/449)*]

64/114. Report of the International Law Commission on the work of its sixty-first session

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixty-first session,[1]

Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Reaffirming the importance to the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Recalling the role of Member States in submitting proposals for the consideration of the International Law Commission,

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[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 10 (A/64/10)*.

[2] Resolution 2625 (XXV), annex.

Please recycle

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixty-first session,[1] and recommends that the Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixty-first session, in particular for the completion, on first reading, of the draft articles on the topic "Responsibility of international organizations";

3. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:

(*a*) Responsibility of international organizations;

(*b*) Expulsion of aliens;

(*c*) Shared natural resources;

4. *Invites* Governments, within the context of paragraph 3 above, to provide information to the International Law Commission regarding practice in respect of the topic "Expulsion of aliens";

5. *Draws the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2011 on the draft articles and commentaries on the topic "Responsibility of international organizations" adopted on first reading by the Commission at its sixty-first session;[2]

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[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 10* (A/64/10), chap. IV, sect. C.

6. *Takes note* of the report of the Secretary-General on assistance to special rapporteurs of the International Law Commission[4] and of paragraphs 240 to 242 of the report of the International Law Commission, and requests the Secretary-General to submit to the General Assembly at its sixty-fifth session options regarding additional support for the work of special rapporteurs;

7. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to that end;

8. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;

9. *Takes note* of paragraph 244 of the report of the International Law Commission, and decides that the next session of the Commission shall be held at the United Nations Office at Geneva from 3 May to 4 June and from 5 July to 6 August 2010;

10. *Welcomes* the enhanced dialogue between the International Law Commission and the Sixth Committee at the sixty-fourth session of the General Assembly, stresses the desirability of further enhancing the dialogue between the two bodies, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-fifth session of the Assembly;

11. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

12. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

13. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

14. *Takes note* of paragraphs 243 and 245 to 249 of the report of the International Law Commission with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of article 16, paragraph (e), article 25 and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

15. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

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[4] A/64/283.

16. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

17. *Approves* the conclusions reached by the International Law Commission in paragraph 232 of its report, and reaffirms its previous decisions concerning the documentation and summary records of the Commission;[5]

18. *Takes note* of paragraph 233 of the report of the International Law Commission, and stresses the need to expedite the preparation of the summary records of the Commission;

19. *Also takes note* of paragraph 234 of the report of the International Law Commission and, without prejudice to the importance of ensuring necessary allocations in the regular budget, acknowledges the establishment by the Secretary-General of a trust fund to accept voluntary contributions so as to address the backlog relating to the *Yearbook of the International Law Commission*, and invites voluntary contributions to that end;

20. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;[6]

21. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants, in particular from developing countries, will be given the opportunity to attend the Seminar, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

22. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

23. *Also requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the sixty-fourth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

24. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

25. *Encourages* the International Law Commission to continue considering ways in which specific issues on which the views of Governments would be of particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

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[5] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

[6] www.un.org/law/ilc.

26. *Recommends* that the debate on the report of the International Law Commission at the sixty-fifth session of the General Assembly commence on 25 October 2010.

64th plenary meeting
16 December 2009

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Sixty-fourth session
Agenda item 82

Resolution adopted by the General Assembly

[on the report of the Sixth Committee (A/64/450)]

64/115. Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

Please recycle

Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 63/127 of 11 December 2008,

Having considered the report of the Special Committee on the work of its session held in 2009,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

2. *Takes note also* of the document entitled "Introduction and implementation of sanctions imposed by the United Nations" as set out in the annex to the present resolution;

3. *Decides* that the Special Committee shall hold its next session from 1 to 9 March 2010;

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

[3] A/64/125.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-fourth Session, Supplement No. 33* (A/64/33).

4. *Requests* the Special Committee, at its session in 2010, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(*a*) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2010;

(*b*) To continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[1] and the proposals submitted on the question;

(*c*) To keep on its agenda the question of the peaceful settlement of disputes between States;

(*d*) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the Assembly in September 2005 that concern the Charter and any amendments thereto;

(*e*) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

5. *Invites* the Special Committee at its session in 2010 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-fifth session;

8. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

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[1] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224 and A/64/225.

9. *Commends* the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

10. *Notes with appreciation* the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog in the *Repertory*;

11. *Reiterates* its call for voluntary contributions to the trust fund for the updating of the *Repertoire*; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

12. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

13. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of the report of the Secretary-General of 18 September 1952;[8]

14. *Requests* the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the General Assembly at its sixty-fifth session;

15. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 11 of his report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions;[9]

16. *Further requests* the Secretary-General to submit a report on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions to the General Assembly at its sixty-fifth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization";

17. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization"

64th plenary meeting
16 December 2009

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[8] A/2170.

[9] A/64/225.

Annex

Introduction and implementation of sanctions imposed by the United Nations

I. General issues

1. Sanctions remain an important tool under the Charter of the United Nations in efforts to maintain international peace and security without recourse to the use of force. Sanctions should be carefully targeted in support of clear and legitimate objectives under the Charter and be implemented in ways that balance effectiveness to achieve the desired results against possible adverse consequences, including socio-economic and humanitarian consequences, for populations and third States.

2. The purpose of sanctions is to modify the behaviour of the target State, party, individual or entity threatening international peace and security and not to punish or otherwise exact retribution. Sanctions regimes should be commensurate with these objectives.

3. Sanctions may be resorted to by the Security Council when it determines the existence of any threat to the peace, breach of the peace, or act of aggression. The Security Council should be guided by the approach taken in annex II to General Assembly resolution 51/242, where it is indicated that sanctions should be resorted to only with the utmost caution, when other peaceful options provided by the Charter are inadequate. The reasons that necessitate the imposition of sanctions should be identified and stated in advance.

4. The Security Council should introduce sanctions in conformity with the provisions of the Charter, taking into account other applicable rules of international law, in particular all of those related to human rights and fundamental freedoms.

5. Best practices and guidelines adopted by the Security Council and the General Assembly in the field of sanctions, in particular those contained in the 2005 World Summit Outcome, General Assembly resolution 51/242 and Security Council resolutions 1730 (2006), 1735 (2006) and 1822 (2008), should be taken into account in the elaboration and implementation of sanctions regimes. The best practices and methods contained in the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997), as taken note of in Security Council resolution 1732 (2006), might also be considered for these purposes.

6. Sanctions should be implemented and monitored effectively with clear benchmarks and should, as appropriate, have an expiration date or be periodically reviewed with a view to lifting them or not, or to adjusting them, taking into account the humanitarian situation and depending on the fulfilment by the target State and other parties of the requirements of the Security Council. Sanctions should remain in place for as limited a period as necessary to achieve their objectives and be lifted once their objectives have been achieved.

7. Sanctions regimes with regard to individuals and entities should ensure that the decision to list such individuals and entities is based on fair and clear procedures, including, as appropriate, a detailed statement of case provided by Member States, and that regular reviews of names on the list are conducted; ensure, to the degree possible, maximum specificity in identifying individuals and entities to be targeted; and ensure also that fair and clear procedures for de-listing exist early in sanctions regimes. Listed individuals and entities should be notified of the decision and of as much detail as possible in the publicly releasable portion of the

statement of case. There should be an appropriate mechanism for handling individuals' or entities' requests for de-listing.

II. Unintended side effects of sanctions

8. Sanctions should avoid to the extent possible adverse humanitarian effects or unintended consequences for individuals and entities not targeted or third States. Targeted sanctions are a way of achieving this.

9. An objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions should be conducted by the Security Council and its sanctions committees with the assistance of the Secretariat at the stage of their preparation, as appropriate, and in the course of their implementation. In this regard, the methodology for the assessment of the humanitarian implications of sanctions reflected in the *Sanctions Assessment Handbook* (2004) might be useful.

10. Information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the target State, on its socio-economic development and on third States which have suffered or may suffer as a result of their implementation, may be useful for the Security Council and its sanctions committees to consider.

11. To the maximum extent possible, situations in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States or in which the civilian population in the target State or third States would experience considerable adverse consequences should be avoided.

12. Humanitarian and other exemptions should be made available in a consistent manner to all targeted measures such as arms embargoes, travel restrictions, aviation bans and financial sanctions, and considered in accordance with fair and clear procedures.

13. Efforts should be made to ensure that sanctions regimes do not hinder an adequate supply of humanitarian assistance from reaching the civilian population. Targeted States and parties should cooperate to this end. Essential humanitarian assistance should be considered for exemption by the relevant United Nations bodies, including the sanctions committees.

14. The principles of neutrality, independence, transparency, impartiality and non-discrimination should guide the provision of humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the civilian population.

15. Humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the civilian population should not be provided without the consent of the recipient State or a request on its part.

16. In emergency situations and cases of force majeure (natural disasters, threat of famine, mass disturbances resulting in the disorganization of the country's Government), consideration should be given to the suspension of sanctions in order to prevent a humanitarian disaster. A decision on this must be taken in each specific case.

17. Decisions on sanctions should be in accordance with the purposes and principles set out in the Charter of the United Nations. Sanctions regimes should be designed to avoid unintended consequences in the target State or third States which may lead to violations of human rights and fundamental freedoms.

III. Implementation

18. Sanctions should be implemented in good faith by all States.

19. Monitoring and compliance are first and foremost the responsibility of individual Member States. Member States should endeavour to prevent or correct activities in violation of the sanctions measures within their jurisdiction. In this regard the provisions of the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997) should be taken into account, as appropriate.

20. International monitoring by the Security Council or by one of its subsidiary organs of compliance with sanctions measures, in accordance with relevant Security Council resolutions, can contribute to the effectiveness of United Nations sanctions. States that may require assistance in the implementation and monitoring of sanctions may seek the assistance of the United Nations or relevant regional organizations and donors.

21. States and relevant international and regional organizations with the capacity to do so should be encouraged to offer appropriate technical and financial assistance to other States to enhance their capacity to implement sanctions effectively.

22. States should be encouraged to cooperate in exchanging information about the legislative, administrative and practical implementation of sanctions.

General Assembly

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Sixty-fourth session
Agenda item 83

Resolution adopted by the General Assembly

[*on the report of the Sixth Committee (A/64/451)*]

64/116. The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 63/128 of 11 December 2008,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming also the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

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Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (*c*) of the 2005 World Summit Outcome,[1]

1. *Takes note* of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[2]

2. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

3. *Stresses* the importance of adherence to the rule of law at the national level, and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building, based on greater coordination and coherence within the United Nations system and among donors, and calls for greater evaluation of the effectiveness of such activities;

4. *Calls upon* the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

5. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General;

6. *Requests* the Secretary-General to submit his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of resolution 63/128, taking note of paragraph 97 of the report;[2]

7. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit with Member States on the topic "Promoting the rule of law at the international level", and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

8. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

9. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

10. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States on a regular basis, in particular in informal briefings;

11. *Stresses* the need to provide the Rule of Law Unit with the necessary funding and staff in order to enable it to carry out its tasks in an effective and sustainable manner and urges the Secretary-General and Member States to continue to support the functioning of the Unit;

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[1] See resolution 60/1.

[2] A/64/298.

12. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "The rule of law at the national and international levels", invites Member States to focus their comments in the upcoming Sixth Committee debate on the sub-topic "Laws and practices of Member States in implementing international law",[3] without prejudice to the consideration of the item as a whole, and invites the Secretary-General to provide information on this sub-topic in his report, after seeking the views of Member States.

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[3] See the note by the Chairman of the Sixth Committee (A/C.6/63/L.23). See also paragraph 10 of resolution 63/128 in which the sub-topic "Rule of law and transitional justice in conflict and post-conflict situations" was identified as a sub-topic for the sixty-sixth session.